

CIVIL SERVICE COMMISSION MINUTES
November 3, 2010

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel
W. Dale Bailey
Bill O'Connor
A.Y. Casillas
Rudolf Hradecky

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
Thomas J. Harron, Commission Legal Advisor
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

January 5, 2011

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 3, 2010**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters
 and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
 Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
4,5,6,7,8			

COMMENTS: Motion by Bailey to approve all items not held for
discussion; seconded by Casillas. Carried.

**CLOSED SESSION AGENDA
County Administration Center, Room 400B**

Members of the public may be present at this location
to hear the announcement of the closed session agenda.
An appellant has the right to have the discussion of
his/her item in open session. Notify the Commission
Office in writing if you desire the open session
discussion. (Notices pursuant to Government Code
Sections 54954.2 and 54957(b))

A. Commissioner O'Connor: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Fern
Steiner, Esq., on behalf of **Yanira Olaya**, former
Psychiatrist, appealing a Final Order of Removal and
Charges from the Health Human Services Agency.

B. Commissioner Bailey: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Maxwell
C. Agha, Esq., on behalf of **Flora Sison**, former Staff
Nurse, appealing a Final Order of Removal from the
Health and Human Services Agency.

C. Commissioner Casillas: CONSIDERATION OF PUBLIC
EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) Eric D.
Hart, Esq., on behalf of **2010-06**, Supervising Probation
Officer, appealing an Order of Suspension and Charges
from the Probation Department.

OPEN SESSION AGENDA
County Administration Center, Room 358

MINUTES

1. Approval of the Minutes of the regular meeting of October 6, 2010.

Approved.

CONFIRMATION OF ASSIGNMENT

2. Commissioner Krauel: Sarah Loud, Worksite Organizer, SEIU Local 221, on behalf of **Leslie Roeder**, Sheriff's Emergency Services Dispatcher, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

Confirmed.

3. Commissioner Casillas: Sarah Loud, Worksite Organizer, SEIU Local 221, on behalf of **Nicole Sohlich**, Detentions Licensed Vocational Nurse, appealing an Order of Immediate Suspension and Charges from the Sheriff's Department.

Confirmed.

DISCIPLINES

Findings

4. Commissioner O'Connor: Fern Steiner, Esq., on behalf of **Yanira Olaya**, former Psychiatrist, appealing a Final Order of Removal and Charges from the Health Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

The causes of discipline were:

Cause I: insubordination

Cause II: Negligence resulting in harm or significant risk of harm to the public or the public service

Cause III: conduct unbecoming an officer or employee of the County

The Department proved Causes I, II, and III.

The level of discipline is appropriate given the ongoing nature of the conduct and the seriousness of the violations. Based on the findings and conclusions it is hereby recommended that the Final Order of Removal be affirmed; and

that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by O'Connor to approve Findings and Recommendations; seconded by Bailey. Carried.

5. Commissioner Bailey: Maxwell C. Agha, Esq., on behalf of **Flora Sison**, former Staff Nurse, appealing a Final Order of Removal from the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

The causes of discipline were:

CAUSE I: Negligence

CAUSE II: Insubordination

CAUSE III: Acts Incompatible with or Inimical to Public Service

CAUSE IV: Failure of Good Behavior

The Department proved Causes I, II, III and IV.

Employee has had prior discipline for insubordination and she shows no indication that she would act differently if this kind of a situation would occur again. Therefore, the Department's selection of discipline is appropriate.

Based on the findings and conclusions set forth above, it is hereby recommended that the Final Order of Removal be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Bailey to approve Findings and Recommendations; seconded by Casillas. Carried.

6. Commissioner Casillas: Eric D. Hart, Esq., on behalf of **2010-06**, Supervising Probation Officer, appealing an Order of Suspension and Charges from the Probation Department.

FINDINGS AND RECOMMENDATIONS:

The causes of discipline were:

Cause I: Insubordination,

Cause II: Conduct Unbecoming an Officer of the Probation Department and an employee of the County of San Diego.

Cause III: Acts Incompatible with or Inimical to Public Service

The Department proved part one of Causes I, II, and III. The Department did not prove part two of Cause I.

Employee had a prior alcohol-related incident of discipline in 1995. Therefore, the Department's ten eight-hour work day suspension is, at a minimum, appropriate.

Based on the findings and conclusion set forth above, it is recommended that the Order of Suspension be affirmed; and that the proposed decision shall become effective upon approval of the Civil Service Commission.

Motion by Casillas to approve Findings and Recommendations; seconded by Hradecky.

Discussion: Commissioner Hradecky made the observation that the evidence in this matter was egregious enough to merit a longer suspension.

Motion carried.

DISCRIMINATION

Findings

7. Commissioner Bailey: **Richard Needham**, Senior Departmental Human Resources Officer, alleging discrimination by the Department of Human Resources and the Community Services Group.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission (Commission) on August 4, 2010, the Commission appointed Commissioner W. Dale Bailey to investigate the complaint submitted by Richard Needham. In accordance with the established rules and procedures of the Commission, the matter would have concurrently been referred to the Office of Internal Affairs (OIA) for investigation. However, because the Director of OIA is one of the subjects of the complaint, the matter was concurrently referred to the Office of County Counsel for investigation and report back. The Office of County Counsel concluded the discrimination investigation and has reported its findings to the Commission.

The report of the Office of County Counsel has been received and reviewed by the Investigating Officer who concurs with County Counsel's Report and has concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred.

It is therefore recommended that Mr. Needham's Rule VI discrimination complaint be denied.

Motion by Bailey to approve Findings and Recommendations; seconded by Casillas. Carried.

8. Commissioner Krauel: **Chau Tran**, former Human Services Specialist, alleging discrimination by the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission (Commission) on September 1, 2010, the Commission appointed Commissioner Francesca Krauel to investigate the complaint submitted by Chau Tran. The matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation. The OIA concluded the discrimination investigation and has reported its findings to the Commission.

The report of OIA has been received and reviewed by the Investigating Officer who concurs with OIA's Report and has concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred.

It is therefore recommended that Ms. Tran's Rule VI discrimination complaint be denied.

Motion by Krauel to approve Findings and Recommendations; seconded by Casillas. Carried.

OTHER MATTERS

Seal Performance Appraisal

9. **Carrie Harris**, former Departmental Human Resources Officer, County Library, requesting the sealing of her performance appraisal covering the period March 3, 2009 through March 2, 2010. (Continued from the June 2, 2010 meeting.)

RECOMMENDATION: Deny Request

Staff recommendation approved.

Extension of Temporary Appointments

10. Agriculture, Weights & Measures

2 Insect Detection Specialist I (Ryan Joynt; Armando Torres)

RECOMMENDATION: Ratify

Agenda Item No. 10 ratified.

PUBLIC INPUT

11. Members of the public may address any matter relating to the Civil Service Commission, other than the items that are on this agenda.

None.

ADJOURNED: 2:49 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: January 5, 2011.

ASSISTANCE FOR THE DISABLED:

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